

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20990

Application 30562 of Wintun Development Co., Inc.

104 Siskiyou Avenue, Mt. Shasta, CA 96067

filed on August 27, 1996, has been approved by the State Water Resources Control Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Panther Creek and an Unnamed Stream

Squaw Valley Creek thence

McCloud River

2. Location of point of diversion By California Coordinate in Zone: 1	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
North 729,030 feet and East 1,943,600 feet	NE $\frac{1}{4}$ of NW $\frac{1}{4}$	9	40N	3W	MDB&M
North 728,020 feet and East 1,943,960 feet	NE $\frac{1}{4}$ of NW $\frac{1}{4}$	9	40N	3W	MDB&M
North 729,120 feet and East 1,942,270 feet	NW $\frac{1}{4}$ of NW $\frac{1}{4}$	9	40N	3W	MDB&M

County of Siskiyou
SWRCB 14 (6-94)

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Snowmaking Acreage	Irrigation Acres	Presently Cultivated
Snowmaking	NW¼ of NW¼	9	T40N	R4W	MDB&M	0	0	N
Snowmaking	NE¼ of NW¼	9	T40N	R4W	MDB&M	3	0	N
Snowmaking	SW¼ of NW¼	9	T40N	R4W	MDB&M	10	0	N
Snowmaking	SE¼ of NW¼	9	T40N	R4W	MDB&M	7	0	N
Snowmaking	NW¼ of NE¼	9	T40N	R4W	MDB&M	10	0	N
Snowmaking	NE¼ of NE¼	9	T40N	R4W	MDB&M	14	0	N
Snowmaking	SW¼ of NE¼	9	T40N	R4W	MDB&M	16	0	N
Snowmaking	SE¼ of NE¼	9	T40N	R4W	MDB&M	16	0	N
Snowmaking	NW¼ of SW¼	9	T40N	R4W	MDB&M	21	0	N
Snowmaking	NE¼ of SW¼	9	T40N	R4W	MDB&M	13	0	N
Snowmaking	SW¼ of SW¼	9	T40N	R4W	MDB&M	12	0	N
Snowmaking	NW¼ of SE¼	9	T40N	R4W	MDB&M	11	0	N
Snowmaking	SW¼ of SE¼	9	T40N	R4W	MDB&M	9	0	N
Snowmaking	SE¼ of SE¼	9	T40N	R4W	MDB&M	3	0	N
Snowmaking and Irrigation	SE¼ of SW¼	9	T40N	R4W	MDB&M	15	10	N
Snowmaking and Irrigation	NE¼ of SE¼	9	T40N	R4W	MDB&M	22	5	N
					TOTAL	182	15	

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed (a) by direct diversion: 0.045 cubic foot per second, not to exceed 14 acre-feet, from October 15 to February 28 of the succeeding year for snowmaking purposes and (b) by storage: 23 acre-feet to be collected from March 1 to May 31 for snowmaking; and 37 acre-feet per annum to be collected from September 1 of each year to June 15 of the succeeding year for irrigation. The total amount of water to be taken from the source for all uses shall not exceed 74 acre-feet per water year of October 1 to September 30 of each succeeding year. (0000005)

6. This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (0000005I)

7. The maximum rate of diversion to offstream storage shall not exceed 0.045 cubic foot per second. (0000005J)

8. The amount authorized for appropriation may be reduced in the license if investigation warrants (0000006)
9. Complete application of the water to the authorized use shall be made by December 31, 2008. (0000009)
10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)
11. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
12. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated;

(2) using water reclaimed by another entity instead of all or part of the water allocated;

(3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow;

(4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust (0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been described and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

14. This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "taking" will result from any act authorized under this water right, the permittee shall obtain an incidental take permit prior to construction or operation. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

15. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion.

(0000022)

16. Permittee shall install and maintain devices satisfactory to the State Water Resources Control Board to measure the rate and quantity of water diverted into the reservoir from Panther Creek and the Unnamed Stream and to measure the quantity of water diverted from the reservoir for snowmaking and irrigation.

Permittee shall maintain a continuous record of monthly diversions of water from Panther Creek and the Unnamed Stream and from the reservoir for snowmaking and irrigation sufficient to document compliance with the permit terms. The record shall be made available to the State Resources Control Board and to other interested parties upon request.

(0000046)

17. Permittee shall install and properly maintain at the reservoir a staff gage, satisfactory to the State Water Resources Control Board, for the purpose of determining water levels in the reservoir. The staff gage shall be referenced to the spillway crest.

Permittee shall record the staff gage reading on September 1 and on the first day of each following month and on June 15 of each year. Such readings shall be supplied to the State Water Resources Control Board with the next progress report submitted to the Board by permittee

(0000047)

18. This permit is subject to prior rights. Permittee is put on notice that, during some years, water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the Sacramento Basin are such that, in any year of water scarcity, the season of diversion authorized herein may be reduced or completely eliminated on order of this Board made after notice to interested parties and opportunity for hearing. (0000090)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

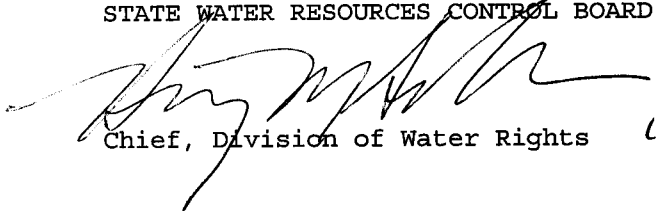
Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: **MAR 15 1999**

STATE WATER RESOURCES CONTROL BOARD


Chief, Division of Water Rights